IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

SECOND APPEAL NO. 1133 OF 2004

Smt. Sitadevi Dhanraj Varma & 4 ors. ... Appellants

V/s

Shri Avinash Radhakrishnan Lavangare & 2 ors. ... Respondents

Shri N. R. Bubna for the appellants.

Shri P. K. Hushing for the respondents.

CORAM: P.V. KAKADE, J.

DATED: 29TH NOV., 2004.

P.C.:

1. This appeal is preferred by the appellants against the judgment and order dated 29.1.1999 passed by the Addl. District Judge, Baramati, dismissing the appeal and confirming the judgment and decree passed by the lower Court dated 31.1.1995 whereunder the suit came to be decreed and appellants-defendants were directed to hand over the possession of the suit premises to the respondents on or before 30th April, 1995 alongwith the consequential orders regarding payments.

I have heard the learned counsel for the appellants and

respondents.

On the last occasion, the learned counsel for the appellants argued the matter and in the course of the argument sought further time to vacate the premises. The learned counsel for the respondents objected to the same and filed his affidavit today showing that the present appellants in fact have purchased the land at Village Kadegaon and very close to the suit property and is now residing in the said premises and, therefore, they are not in need of suit premises and, therefore, their plea for further time is not proper.

2. Apart from these aspects, perusal of both the judgments of both the Courts below do show that there is absolutely no substantial question of law involved in this appeal. The plaintiffs' suit for possession came to be decreed after notice under the provisions of Transfer of Property Act and the tenancy was properly terminated. The lower Court held that the plaintiffs were entitled to possession of the suit premises and further granted time of three months to vacate the premises. However, the appeal was carried to the Addl. District Court at Baramati and the learned first Appellate Court adjudicated the appeal on merits and

confirmed the findings of the lower Court holding that the appeal deserves to be dismissed.

As noted earlier, there is no substantial question of law involved and, as such, this appeal cannot be entertained and deserves to be dismissed and stands dismissed in limine with no order as to costs.

Consequently, the civil application also stands dismissed with no order as to costs.

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